

REMARKS/ARGUMENTS

In the Final Office Action of January 9, 2007 (the "Final Office Action"), Claims 1-19 and 49-50 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,090,107 issued to Borgmeier et al. ("Borgmeier") in view of U.S. Pat No. 5,496,315 issued to Weaver et al. ("Weaver").

In rejecting applicants' argument that neither Borgmeier nor Weaver teaches or suggests "a pair of internal sealing rings compressed against inner distal and proximal ends of the insulative rigid sleeve and disposed so as to inhibit fluid from entering into an interior of the insulative rigid sleeve and making contact with any portion of the electrode disposed therein during a minimally invasive surgical procedure," the Final Office Action relies on In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960), for the proposition that "mere duplication of parts has no patentable significance unless a new and unexpected result is produced."

Such reliance on In re Harza, however, is incorrect in this case, because each of applicants' sealing rings is disposed in a different location and serves a different purpose, and therefore, they are not a mere duplication of parts. In particular, one of the pair of sealing rings is disposed in the inner distal end of the insulative rigid sleeve and its purpose is to inhibit fluid from entering an interior of the insulative rigid sleeve through the inner distal end, and the other of the pair of sealing rings disposed in the inner

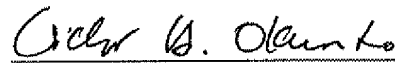
the insulative rigid sleeve and its purpose is to inhibit fluid from entering the interior of the insulative rigid sleeve through the inner proximal end.

Claims 1 and 49 have been amended to clarify these different purposes of the pair of internal sealing rings. All other arguments previously made are maintained.

Claims 1-19 and 49-50 are pending in the application. Reconsideration of the rejected claims is respectfully requested in light of the arguments set forth herein, and an early notice of their allowability earnestly solicited.

Respectfully submitted,

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